

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RAYMUNDO GARCIA Q,)	
)	
Plaintiff,)	
)	Civil Action No. 10-93 Erie
v.)	
)	
FRANCISCO QUINTANA, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on April 19, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 28], filed on July 29, 2011, recommended that the action be dismissed pursuant to Fed.R.Civ.P. 41(b) due to Plaintiff's failure to prosecute this case. The parties were allowed fourteen (14) days from the date of service to file objections and no objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 23rd day of August, 2011;

IT IS HEREBY ORDERED that the action is DISMISSED pursuant to Fed.R.Civ.P. 41(b) due to Plaintiff's failure to prosecute this case.

The Report and Recommendation [ECF No. 28] of Magistrate Judge Baxter, filed on July 29, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge